UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.153
9 July 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Democratic Republic of the Congo

1. At its 705th and 706th meetings (CRC/C/SR.705 and 706), held on 28 May 2001, the Committee on the Rights of the Child considered the initial report of the Democratic Republic of the Congo (CRC/C/3/Add.57) and adopted, at the 721st meeting, held on 8 June 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report, which generally followed the guidelines for reporting. The Committee notes that the report contained useful information on implementation of the Convention. The Committee further appreciates the information provided in the written replies and the dialogue that took place with a high-level delegation.

B. Positive Aspects

3. The Committee welcomes the State party's indication during the dialogue that its top three priorities with regard to the Convention's implementation are to strengthen legislation, to improve education and to improve health services.

4. The Committee notes, as an important positive step, the issuance of decree No. 066 of 9 June 2000 with regard to the demobilization of children from the armed forces and the establishment of a special bureau to review the implementation of this decree.

5. The Committee welcomes the creation of the National Council for Childhood, the ongoing development of provincial commissions and the creation of the High Commission for Reinsertion. The Committee further welcomes the translation of the Convention into four local languages.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes the negative impact on children of the armed conflict within the State party's territory and the role of numerous actors in this conflict, including the armed forces of several States all party to the Convention, armed groups and numerous private companies, as cited in a United Nations report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. The Committee notes, in particular, grave violations of the Convention within territory outside of the control of the Government of the State party and where armed elements, including armed forces under the jurisdiction of other States parties to the Convention, have been active. The Committee notes, in addition, that article 38 of the Convention requires States parties to respect provisions of international humanitarian law applicable to them and that, as indicated by United Nations sources (see, inter alia, Security Council resolution 1341 (2001) of 22 February 2001), this law has been violated, particularly with regard to children. In this context, in addition to the responsibility of the State party, the Committee also emphasizes the responsibilities of several other States and certain other actors for the negative impact of the armed conflict upon children and for violations of some provisions of the Convention and international humanitarian law within areas of the State party.

7. The Committee notes further, and in spite of the State party's significant natural resources, the extremely poor economic and social conditions of the vast majority of the population and of the State itself - factors that severely limit the State party's capacity to implement the Convention and to apply laws. The Committee notes, in particular, the State party's indication in its written replies to the Committee's list of issues that 89 per cent of the population lives below the poverty line.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

8. The Committee is concerned at the serious failure to implement existing legislation. The Committee notes, in addition, the State party's acknowledgement in its report that the content and application of specific domestic laws are sometimes inconsistent with the Convention on the Rights of the Child. The Committee is concerned that, among others, the following legal instruments are not fully compatible with the provisions of the Convention: the Family Code,

the Labour Code, the Criminal Code, the Criminal Procedure Code, the Civil Code, the Code on Judicial Organization and Competence and the Decree of 6 December 1950 with regard to delinquency.

9. The Committee recommends that the State party strengthen its efforts to implement existing legislation relative to the promotion and protection of children's rights. The Committee also strongly recommends that the State party proceed with its efforts to review, and amend as appropriate, domestic legislation to ensure its full conformity with the provisions of the Convention. In this regard, the State party would recommend the adoption of a children's law code that would gather together in one instrument all of the main provisions of domestic legislation of direct relevance to children. The Committee recommends that the State party seek assistance from UNICEF and OHCHR in this regard.

Implementation, national plans of action and monitoring

10. The Committee notes the involvement of various ministries in the Convention's implementation, the development of a national plan of action for the survival, protection and promotion of children and mothers and, more recently, the establishment of a Ministry for Human Rights, and the National Council for Childhood and provincial councils for children. However, the Committee remains concerned at the lack of effective coordination of the activities of these bodies, in particular with regard to the implementation of the Convention and the national plan of action, and the serious lack of resources available to the National Council. The Committee is similarly concerned about the lack of mechanisms to effectively monitor the Convention's implementation.

11. The Committee strongly recommends that the State party take all necessary steps to ensure the effective coordination of activities related to implementation of the Convention, for example by assigning the coordination role to the National Council, along with the necessary authority and budget. The Committee recommends, in addition, that the State party implement its recommendations in paragraphs 217 to 222 of the State party's report and integrate relevant elements into a new, updated plan of action. Furthermore, the Committee recommends that the State party introduce an independent monitoring mechanism for implementation of the Convention, which is accessible to children. Finally, the Committee recommends that the State party seek technical assistance from UNICEF, WHO, ILO and other intergovernmental and non-governmental organizations.

Budget allocation

12. The Committee is deeply concerned at the very low annual budget allocations for health, education and other areas of direct relevance to children and at reports that these budget allocations were not fully disbursed.

13. In the light of article 4 of the Convention, the Committee recommends that the State party raise the proportion of its spending on health, education, social welfare and other priority areas, to the maximum of available resources, with a view to ensuring access to these services for all children and, where needed, within the framework of international cooperation.

Data

14. The Committee is concerned at the absence of up-to-date and accurate data with regard to the Convention's implementation.

15. The Committee recommends that the State party develop and strengthen a data collection system, with a view to including all areas under the Convention. Such a system should cover all children under 18 years of age, including vulnerable groups of children, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the Convention's provisions. The Committee recommends that the State party seek assistance from, among others, UNICEF.

Cooperation with NGOs

16. The Committee notes the collaboration between the State party and some NGOs but remains concerned that cooperation with other NGOs working for children's rights is insufficient. The Committee is deeply concerned in particular by the reported high numbers of arrests and detentions of some NGO staff and the restrictions placed on NGO registration and activities.

17. The Committee urges the State party to prevent all harassment (including arbitrary arrest and detention) of representatives and/or employees of NGOs. The Committee strongly recommends that the State party support and collaborate with NGOs in their activities to improve implementation of the Convention and to facilitate efforts to establish a nationwide coalition of NGOs focusing on the protection and promotion of children's rights. The Committee recommends further that NGOs be involved in the development of policies and programmes implementing the Convention.

Dissemination of the Convention

18. The Committee is deeply concerned that the Convention is insufficiently known and understood among relevant professionals and among the population in general.

19. The Committee urges the State party to initiate a thorough campaign to inform and train professionals - such as teachers, health professionals including psychological care specialists, social workers, law enforcement officials, national ministerial and local government officials with responsibility for children's rights - children and the population in general on the Convention and its principles and provisions. The Committee recommends that the State party adopt measures to ensure that such an information campaign reaches, among others, rural communities, illiterate persons and persons living in parts of the country not currently under the State party's control.

2. Definition of the child

20. The Committee joins the State party (see paragraph 89 of the State party's report) in expressing concern at the low minimum age of criminal responsibility and the young age of criminal majority - currently 16. The Committee expresses concern further at the difference in the minimum age of marriage for girls (15) and boys (18).

21. The Committee recommends that the State party raise the minimum age of criminal responsibility and that the age of criminal majority be raised to 18, ensuring that all persons below age 18 benefit from international juvenile justice standards. The Committee recommends further that the minimum age of marriage of girls be raised to that applicable to boys.

3. General principles

Discrimination

22. The Committee expresses deep concern at the practices of discrimination which continue to affect profoundly many children in the State party, including ethnic and gender discrimination (see, for example, paragraph 91 of the State party's report). The Committee is concerned that legislation does not explicitly prohibit discrimination against children on all of the grounds covered by the Convention in its article 2 and omits, for example, discrimination against children with disabilities.

23. The Committee strongly recommends that the State party urgently identify and address the different causes of discrimination and end all practices of discrimination which affect respect for the Convention. The Committee recommends that domestic legislation prohibiting discrimination be amended to include all the grounds prohibited under the Convention, including discrimination based on disabilities, and that a review be conducted of legislation to amend any provisions which are discriminatory and which have an impact on children. The Committee recommends that the State party continue and strengthen its efforts to end gender discrimination, notably against girls and women. The Committee recommends that the State party use, inter alia, education and human rights promotion to address discriminatory attitudes among the population in general and in changing discriminatory social practices, including through the promotion of the Convention's provisions and the right of women to non-discrimination. The Committee recommends that the State party implement the concluding observations of the Committee on the Elimination of Racial Discrimination (A/51/18, paras. 509-538) and of the Committee on the Elimination of Discrimination against Women (A/55/38, paras. 194-238). The Committee recommends, finally, that the State party seek assistance from UNICEF and OHCHR.

Right to participation

24. The Committee is concerned that the right of children to participate in decisions which affect them is not respected.

25. In light of article 12 of the Convention, the Committee recommends that the State party increase awareness of the participatory rights of children and further encourage respect for the views of the child within the family, communities, schools, and administrative and judicial systems.

Life, survival and development

26. The Committee is deeply concerned that children's rights to life, survival and development are severely violated within the State party. The Committee is particularly concerned at reports of massive numbers of deaths related to the armed conflict in the east of the State party, and is deeply concerned about practices of infanticide.

27. The Committee strongly urges the State party to take all measures to prevent deaths related to the armed conflict and to prevent infanticide through, inter alia, a peaceful, rapid and conclusive end to the armed conflict, through legislative and judicial means, and through the development and implementation of appropriate policies to assure the rights to life, survival and development of all children.

4. Civil rights and freedoms

Right to a nationality

28. The Committee is deeply concerned that the right to a nationality of some children within the State party, particularly children living in eastern regions of the country and members of certain ethnic groups, is not respected.

29. The Committee urges the State party to ensure that all children, without discrimination, are accorded a nationality and that measures are taken to implement the concluding observations of the Committee on the Elimination of Racial Discrimination on this subject.

Birth registration

30. The Committee is concerned at the very low levels of birth registration in the State party. The Committee joins the State party (see paragraph 76 of the State party's report) in expressing concern that the registration of a child may be hindered by the legal requirement that children be registered only in the area of their regular address and given that many persons have no fixed place of residence.

31. The Committee recommends that the State party continue and strengthen its ongoing efforts to ensure that birth registration is completed for all children, including through suitable amendments to legislation, the introduction of more flexible methods of registration and information campaigns.

Torture and ill-treatment

32. The Committee is deeply concerned that children are regularly the victims of cruel, inhuman or degrading treatment, sometimes constituting torture, committed by, among others, the police, the military, teachers and in the family, and affirms that these acts are violations of children's rights.

33. The Committee strongly urges the State Party to strengthen its efforts to address the causes and incidence of torture and cruel, inhuman or degrading treatment of children by, among others, the police, the military, teachers and in the family, to end and prevent these violations of children's rights and to ensure that the persons responsible for these acts are brought to justice. The Committee recommends in addition that the State party consider the possibility of compensation for the victims of torture and other acts.

Freedom of expression and opinion

34. The Committee agrees with the State party (see paragraph 97 of the State party's report) in expressing concern at limitations on children's right to freedom of expression and notes that children have insufficient opportunities to express their opinions and to have these taken into consideration.

35. The Committee recommends that the State party take steps to strengthen respect for children's right to freedom of expression, including through promotion of the Convention's provisions among parents, teachers and children themselves and in State institutions.

5. Family environment and alternative care

36. The Committee agrees with the State party in expressing deep concern that the State seems increasingly to be shifting its duties and responsibilities onto parents and persons effectively or legally responsible for a child's upbringing (see paragraph 121 of the State party's report). The Committee is further concerned at the large numbers of single-parent and child-headed households, by the diminishing role of the extended family and by the negative effect of these changes on respect for children's rights. The Committee is concerned in addition at the increasing practice of "bi-linear" families under which a community leader assumes parental responsibilities for children and that this practice is replacing parents and has a negative impact on children.

37. The Committee urges the State party to identify, within the framework of a coherent family policy, priorities in terms of the assistance required by parents and other guardians in the context of their care for children, and to ensure provision of the necessary financial and human resources, in particular for single parents and child-headed households. The Committee recommends in addition that attention be given to concerns related to "bi-linear" parenting practices.

Corporal punishment

38. In the context of article 19 of the Convention, the Committee is concerned that the corporal punishment of children is permitted under domestic legislation and continues to be practised in State institutions, including schools and places of detention, and in the family.

39. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit and eliminate all forms of corporal punishment in schools and in homes. The Committee further suggests that awareness raising and education campaigns be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

Marriage of girls

40. The Committee joins the State party in expressing concern that current legislation and common practice provide insufficient protection to children in the context of early and forced marriage (see paragraph 82 of the State party's report). The Committee is concerned at, inter alia the early marriage of many girls and by the practice through which an uncle may decide to marry his niece.

41. The Committee recommends that the State party implement measures to ensure that traditional marriage practices, including forced marriages, which are harmful to children are prohibited through, inter alia, the adoption and implementation of appropriate legislation. The Committee recommends that the State party make use of information campaigns to help change practices, particularly in rural communities, and ensure that marriages are registered in all areas of the country.

Separation of parents and care for children

42. The Committee joins the State party in expressing concern (see paragraph 93 of the State party's report) that fathers are favoured by courts when determining which parent should have the care of children, that financial security is often the only criterion referred to by judges in such decisions, and that the best interests of the child are not a primary consideration.

43. The Committee recommends that the State party take steps to guarantee that child custody decisions are made on the basis of the best interests of the child and take due account of a child's views while also ensuring respect for a child's right to maintain contact with parents.

Alternative care, adoption

44. The Committee joins the State party in expressing concern at the practice of "fictitious" care (see paragraph 85 of the State party's report) for children deprived of their parents, as a replacement for genuine adoption, which deprives these children of care and education. The

Committee is concerned that mechanisms for the monitoring of respect for the rights of children in institutions and the provision of assistance are inadequate. The Committee is concerned in addition at reports of illegal adoptions, including inter-country adoption.

45. The Committee recommends that the State party undertake measures to ensure greater legal and effective protection of the rights of children deprived of their parents to emotional care and to education and health services, including in the context of informal adoption procedures. The Committee recommends, in addition, that the State party strengthen its mechanisms for the monitoring of respect for the rights of children in need of, and receiving, alternative care assistance. The Committee also recommends that the State party make every effort to ensure that all adoptions comply with international standards and are conducted in the best interests of the child. The Committee recommends further that the State party ratify the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Child abuse and neglect

46. The Committee is concerned about practices of abuse, including sexual abuse, in the family.

47. In light of article 19 of the Convention, the Committee urges the State party to end practices of sexual abuse through, inter alia, monitoring, reporting, use of the criminal justice process to prosecute adults guilty of such abuse, and through information campaigns targeting parents, communities and children. The Committee also recommends that instances of abuse and neglect of children be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

6. Basic health and welfare

Health

48. The Committee notes with deep concern the poor health situation of children in the State party, the very limited access of most children to adequate health care, including mental health care, and the very high rates of maternal and infant mortality, the high percentage of children suffering from malnutrition, the low level of breastfeeding and the lack of an adequate family planning policy. The Committee is concerned in particular by weaknesses in the health infrastructure, including a lack of appropriate equipment within many health centres, the limited quality of services and low immunization rates.

49. The Committee recommends that the State party improve the access of children and mothers to health care, including primary and mental health care, continue and strengthen its vaccination campaign, and develop and implement a clear health policy with regard to

children including, inter alia, the promotion of breastfeeding, the implementation of adequate family planning programmes and action to reduce and prevent malnutrition. The Committee recommends that the State party seek assistance from UNICEF and WHO in this regard.

Children with disabilities

50. The Committee is deeply concerned at the very high numbers of children with preventable and other disabilities, and the fact that these figures are increasing. Noting the very small number of children with disabilities (as indicated by the State party in its written answers to the Committee's list of issues) who have access to education, the Committee is deeply concerned that the rights of children with disabilities to education, as well as health services, are not respected and that they do not receive adequate assistance towards future development. The Committee further joins the State party in expressing concern at the interpretation of disabilities on the basis of certain traditional opinions and that children with disabilities suffer from discrimination as a result of such traditional beliefs (see paragraph 140 of the State party's report). The Committee is also concerned at reports of violence against children with disabilities in State institutions.

51. The Committee recommends that the State party develop and implement measures to guarantee respect for the rights of children with disabilities, including improving their access to health and education services and vocational training. In addition, the Committee recommends that the State party make every effort to ensure that children with disabilities are not discriminated against, including through the provision of appropriate education for parents, teachers, children and members of the population in general. The Committee recommends that the State party strengthen mechanisms to protect children with disabilities and living in institutions from acts of violence. The Committee recommends that the State party provide assistance to NGOs working on behalf of children with disabilities and promote coordination of their activities. The Committee recommends that the State party take note of, and strengthen its efforts through, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69). The Committee recommends that the State party seek technical assistance from, among others, WHO and UNICEF.

HIV/AIDS

52. The Committee is deeply concerned at the very high number of children affected by HIV/AIDS through, inter alia, direct infection, including mother-to-child transmission, or following the illness or death of a parent. The Committee is also concerned at provisions in the Criminal Code banning contraception given the growing need to prevent transmission of HIV/AIDS.

53. The Committee recommends that the State party make every effort to reduce the incidence of HIV/AIDS by preventing its transmission among the population through, inter alia, the procurement of suitable medication, a review of legislation, including the

repeal of article 178 of the Criminal Code and suitable prevention campaigns. The Committee recommends further that the State party provide assistance to children and their families affected by HIV/AIDS. The Committee recommends that assistance be sought from UNICEF and WHO in this regard.

Adolescent health

54. The Committee notes with deep concern the decline in access to health services, including mental and reproductive health services, for adolescents and the lack of information on adolescent health problems. The Committee is concerned at levels of HIV/AIDS among adolescents, sexually transmitted diseases and reports of high levels of early pregnancy.

55. The Committee recommends that the State party strengthen its efforts to provide adolescents with easy and adequate access to all child-friendly health care services they may need, including mental and reproductive health services, and make an assessment of adolescent health problems in order to develop and implement a comprehensive policy in this regard. The Committee recommends that the State party seek assistance from UNFPA, WHO and UNICEF.

Harmful traditional practices

56. The Committee is concerned at:

(a) The practice of female genital mutilation in some areas;

(b) Food taboos such as that which forbids children and mothers from eating certain essential food items.

57. The Committee recommends:

(a) In light of article 24 of the Convention, that the State party prohibit, and take action to end, the practice of female genital mutilation and raise awareness of its harmful effects;

(b) That the State party eliminate harmful food taboos, inter alia, by promoting awareness about their detrimental effects on the health of children and women;

(c) That the State party seek assistance from WHO and UNICEF in this regard.

Standard of living/social security

58. The Committee is concerned that the overall standard of living of many children is very poor, in particular with regard to access to clean water, food, adequate housing and sanitation. The Committee is concerned in addition that current social security provisions cover only a very small proportion of the population and that the parents and children most in need of such assistance are not covered by social security.

59. The Committee recommends that the State party take steps to improve the standard of living of children, giving particular attention to water, food, housing and sanitation concerns. The Committee recommends that the State party consider ways of extending social security coverage to a much broader proportion of the population and of ensuring the access of all children to social welfare assistance.

7. Education, leisure and cultural activities

60. The Committee is deeply concerned that the education objectives of the 1992 Plan of Action for the Survival and Protection of Mothers and Children are far from being achieved. The Committee is greatly concerned at the high numbers of children who never attend school or who drop out early from their formal education. The Committee is further concerned that law 86/005 of 29 September 1986 relative to national education has not yet entered into force, with a negative impact on children's access to education. In addition, the Committee is concerned that in practice primary education is not free and that many parents have to pay school fees as well as related costs such as for uniforms and equipment, which remain too expensive for most families. While noting the efforts made by the State party, the Committee nevertheless remains deeply concerned at the low rate of school enrolment of girls, their high drop out rate and also the high female illiteracy rate, especially in rural areas. The Committee is also concerned that some girls are the victims of sexual harassment by teachers. The Committee is concerned, that school infrastructure and equipment are very inadequate, that the quality of education is poor, that teachers are not well trained, and that some students are required to pay teachers for their grades.

61. The Committee urges the State party to adopt and implement legislation establishing a minimum age for the completion of compulsory education and providing for genuinely free primary and, as far as possible, secondary education, with emphasis on assisting children from the most disadvantaged backgrounds. The Committee recommends that the State party implement measures to increase enrolment of children in school and reduce the drop out rate. The Committee recommends that the State party strengthen efforts to improve the access of girls to education, including by establishing specific programmes to reduce female illiteracy and information campaigns promoting this right. The Committee recommends that the State party implement measures to end the sexual harassment of girls in school. The Committee recommends that the State party pursue efforts to improve the quality of education and strengthen educational infrastructure throughout the State party, including through improvements to teacher training, the introduction of human rights education and education for peace, building additional classrooms and more schools, and by providing free transport to schools for children who live far away. The Committee recommends that the State party seek assistance from UNICEF and UNESCO in this regard.

8. Special protection measures

Refugees and internally displaced persons

62. While recognizing the State party's assistance to very large numbers of refugees, the Committee remains deeply concerned at grave violations of the rights of refugee children and

their families and, in particular, at allegations of widespread massacres of tens of thousands of refugees, particularly during 1997, in the eastern region of the State party and the State party's lack of co-operation with, and obstruction of, efforts by the United Nations investigative mission mandated to clarify such allegations. The Committee is concerned that the situation of refugee children and their families within the State party is poor. The Committee is deeply concerned in addition at the very high number of children and their families internally displaced within the State party as a result of the armed conflict. The Committee is concerned at, inter alia, the separation of children from their families, and the very limited access of displaced children to adequate food and to health and education services.

63. The Committee recommends that the State party strengthen its efforts to provide adequate assistance to refugees and that every effort be made to prevent all forms of violence against refugee and internally displaced children and to investigate and seek justice with regard to allegations of massacres of refugee children and their families. The Committee recommends that the State party urgently implement measures to protect civilian populations from further internal displacement, to ensure that those children and their families who have already been displaced have access to food, education and health assistance, and to support the return home of internally displaced populations and their reintegration into their communities. The Committee recommends that the State party make every effort to respect and implement the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). Noting the ongoing efforts, the Committee urges the State party to continue to give particular attention to strengthening family reunification efforts. The Committee recommends that the State party work closely with UNHCR and UNICEF in this regard.

Children in armed conflict

64. The Committee is deeply concerned at the direct and indirect impact of the armed conflict on almost all children in the State party. The Committee is concerned at the deliberate killing of children by armed forces of the State party, armed forces of other State parties that have participated in the conflict and by other armed groups, and by the continuing impunity for such acts constituting very serious violations of children's rights. The Committee is concerned at, inter alia, the recruitment and use of children as soldiers by the State party and by other actors in the armed conflict, including children under 15. The Committee notes with appreciation the creation of a special bureau for the demobilization and re-integration of child soldiers (DUNABER), but is concerned about the effectiveness of this bureau.

65. The Committee urges the State party to strengthen its efforts to end the armed conflict and to ensure that the protection and promotion of children's rights are given due consideration in the ongoing peace process. The Committee urges the State party to prevent the killing or other forms of harm of children and to ensure that those persons responsible for committing such acts are prosecuted. The Committee further urges the State party to prevent the participation of children in armed conflicts and to end entirely their recruitment including cross-border recruitment, and use as soldiers, and to make additional efforts to demobilize and reintegrate present and former child soldiers into their

communities and to provide for their psychological recovery. The Committee recommends that DUNABER be provided with sufficient human and financial resources to effectively demobilize and reintegrate children in society and to provide the necessary follow-up.

Child labour

66. The Committee joins the State party in expressing concern at the prevalence of child labour, especially in informal sectors which frequently fall outside the protections afforded by domestic legislation (see paragraph 87 of the State party's report). The Committee is deeply concerned at the use of children to work in the Kasaï mines, in locations in Lubumbashi and in other dangerous work environments.

67. **The Committee recommends that the State party make every effort to end child labour, including through the dissemination of children's rights to employers, parents, the public in general and to children themselves. The Committee recommends, in particular, that the State party implement measures to enforce domestic legal protections in both the formal and informal work sectors, including in mines and other harmful environments, and that help be sought from ILO and UNICEF in this regard. The Committee notes the State party's commitment to complete ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and recommends that this process be completed, and that the State party also ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.**

Trafficking/sexual exploitation

68. The Committee is deeply concerned by information, including for example in the State party's report, of the trading, trafficking, kidnapping and use for pornography of young girls and boys within the State party, or from the State party to another country, and that domestic legislation does not sufficiently protect children from trafficking.

69. **The Committee strongly recommends that the State party take urgent measures to end the sale, trafficking and sexual exploitation of children through, inter alia, the adoption and implementation of appropriate legislation and the use of the criminal justice process to sanction those persons responsible for such practices. The Committee recommends that the police force and border officials receive special training to help in combating the sale, trafficking and sexual exploitation of children, and that programmes be established to provide assistance, including health care and rehabilitative and social reintegration assistance, to the child victims of sexual exploitation. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996 and raise the age for protection against commercial sexual exploitation to 18 years. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.**

Children living in and/or working on the street

70. The Committee is concerned at the high number and difficult situation of children living in and/or working on the street. The Committee is concerned at, inter alia, the lack of access of these children to food and health and education services and the exposure of these children to several risks, including those related to substance abuse, violence, sexually transmitted illnesses and HIV/AIDS. The Committee is concerned in addition at the tendency of the criminal justice system to treat these children as delinquents.

71. The Committee urges the State party to strengthen its assistance to children living in and/or working on the street by, inter alia, studying the causes and implementing preventive measures and improving the protection of children already in this situation, including through the provision of education, health services, food, adequate shelter and programmes to assist children to leave street life. The Committee urges the State party to ensure that children living/working on the street are not treated as delinquents for acts such as their presence in the street or begging.

Substance abuse

72. The Committee is concerned at the numbers of children abusing substances, such as by inhaling solvents and using cannabis.

73. The Committee recommends that the State party implement measures to prevent substance abuse by children, including through preventing the sale of such substances to children and addressing factors leading to vulnerability. The Committee recommends that the State party, inter alia, pursue its efforts to use information campaigns to alert children and adults to the risks of substance abuse (see paragraph 202 of the State party's report) and that the child victims of substance abuse be provided with appropriate care, rehabilitation and assistance towards their social reintegration.

Juvenile justice

74. The Committee joins with the State party in expressing serious concern at the overall application of juvenile justice, the need for a review of domestic legislation with regard to juvenile justice, and concern that decisions affecting children are taken by judges with insufficient knowledge of children's rights (see, for example, paragraphs 94 and 185 of the State party's report). The Committee is concerned in addition at the ordering of the detention of minors by judicial police officers in contravention of the State party's judicial procedures (see paragraph 186 of the State party's report). The Committee is further concerned at the limited number of sanctions available to judges and the consequent overemphasis on deprivation of liberty as a sanction. The Committee is concerned at the very poor conditions of detention and reports of the ill-treatment of children. The Committee is deeply concerned that children aged 16 and 17 are considered to be adults for the purposes of criminal responsibility. Further, the Committee expresses its concern that children aged 16 or above can, and have been, sentenced to the death penalty and, while acknowledging the presidential pardon recently accorded to children sentenced to death, the Committee notes that such a sentence is a violation of Convention

article 37 (a). The Committee is further concerned that child civilians and child soldiers are brought before military courts and that such courts do not guarantee international judicial protections, such as the right to appeal.

75. **Noting the State party's ongoing efforts, the Committee recommends the implementation of a comprehensive reform of the administration of juvenile justice. The Committee recommends, in particular, that the State party adopt appropriate amendments to its domestic legislation with regard to juvenile justice, with a view to ensuring full compliance with international standards and in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). The Committee recommends that the State party provide appropriate training for, among others, judges and lawyers. In particular, the Committee recommends that the State party proceed with its intention, as described in paragraph 185 of its initial report, to broaden the range of possible sanctions so that deprivation of a child's liberty is used only as a measure of last resort. The Committee recommends that improvements be made to conditions in places of detention and imprisonment in which children are held. The Committee urges the State party to guarantee the application of juvenile justice provisions to all persons aged under 18, in accordance with international standards. In particular the Committee urges the State party to ensure respect for article 37 (a) of the Convention and that no person under 18 is sentenced to the death penalty or life imprisonment without possibility of release. The Committee urges the State party, in keeping with its ban on the recruitment of children as soldiers, to ensure that no child is tried by a military tribunal.**

Ratification of the Optional Protocols

76. Noting the State party's signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Committee recommends that the State party proceed with the ratification of this instrument, as well as of the Optional Protocol on the sale of children, child prostitution and child pornography.

Dissemination of documentation

77. The Committee is concerned that the State party has not disseminated its initial report to the Committee widely and that public access to the report has not been easy.

78. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including non-governmental organizations.